

**COGBURN LAW OFFICES**  
2879 St. Rose Pkwy., Ste. 200, Henderson, NV 89052  
Phone: (702) 384-3616 | Fax: (702) 966-3880

**COGBURN LAW OFFICES**  
Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
jsc@cogburnlaw.com  
Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
jdowling@cogburnlaw.com  
2879 St. Rose Parkway, Ste. 200  
Henderson, Nevada 89052  
Telephone: (702) 384-3616  
Facsimile: (702) 966-3880  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT COURT OF NEVADA**

JUSTIN M. CAHILL, an individual;

Plaintiff,

vs.

LARRY A. KENT, an individual; DOE Individuals  
1-10; and ROE Corporations 11-20;

Defendant.

Case Number: 2:15-cv-00468-RFB-CWH

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINE FOR  
LIMITED PURPOSE OF TAKING THE  
DEPOSITION OF INVESTIGATOR  
FROM ELITE INVESTIGATIONS**

Plaintiff, Justin Cahill, by and through his attorney of record, Jamie S. Cogburn, Esq., and Joshua A. Dowling, Esq. of Cogburn Law Offices and Defendant, Larry Kent, by and through his attorney of record, George M. Ranalli, Esq. and Lawrence Phillips, Esq. with Ranalli & Zaniel and Rahul Kulkarni, Esq. of Wilson, Elser Moskowitz Edelman & Dicker, LLP, hereby stipulate and agree as follows:

**1. NATURE OF THE ACTION:**

This is an action for personal injuries arising from an incident occurring on February 13, 2013. Plaintiff alleges Defendant operated a Utility Task Vehicle (UTV), with Plaintiff as his passenger, for the purpose of performing a test drive. Following said test drive, Defendant allegedly attempted to drive the UTV and Defendant allegedly accelerated the UTV onto his truck's trailer. Specifically, Defendant accelerated the UTV causing it to travel over the front of

1 his trailer and roll onto the ground. As a result, Plaintiff's right hand and wrist were crushed  
2 between the UTV and the ground. Plaintiff was then administered first aid due to the  
3 immediately apparent severity of his injuries. Thereafter, emergency medical personnel arrived  
4 and placed Plaintiff on a gurney and transported him via ambulance to the hospital where he was  
5 treated for severe and disfiguring right hand injuries. Plaintiff claims severe and extensive  
6 injuries and damages as a result of the subject incident.

7  
8 **2. DISCOVERY THAT HAS BEEN COMPLETED:**

9 The parties have exchanged FRCP 26(f) disclosures of documentary evidence and  
10 witnesses, inclusive of Plaintiff's treatment records. In addition, the parties have completed the  
11 following written discovery and depositions:

12 **Plaintiff, Justin Cahill:**

- 13 • Interrogatories to Defendant Larry Kent;
  - 14 ○ Defendant Responded
  - 15 ○ Supplemental Responses
- 16 • Request for Production of Documents to Defendant Larry Kent;
  - 17 ○ Defendant Responded
  - 18 ○ Supplemental Responses
- 19 • Request for Admissions to Defendant Larry Kent; and
  - 20 ○ Defendant Responded
  - 21 ○ Supplemental Responses
- 22 • Deposition of Defendant, Larry Kent.

23 **Defendant, Larry Kent:**

- 24 • Interrogatories to Plaintiff, Justin Cahill;
  - 25 ○ Plaintiff Responded
  - 26 ○ Supplemental Responses
- 27
- 28

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- Request for Production of Documents to Plaintiff, Justin Cahill;
  - Plaintiff Responded
  - Supplemental Responses
- Request for Admissions to Plaintiff, Justin Cahill;
  - Plaintiff Responded
- Deposition of Plaintiff, Justin Cahill;
- Deposition of Robert Winegarden;
- Deposition of Expert, Bill Uhl;
- Deposition of Expert, Stan Smith;
- Deposition of Expert, Steven Becker;
- Deposition of Expert, Colby Young, M.D.; and
- Deposition of Expert, Carl Williams, M.D.

3. **A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.**

- Deposition of PMK of Co-Operators Insurance;
- Deposition of Adjuster of Co-Operators Insurance;
- Deposition of Expert Timothy Logsdon; and
- Deposition of Investigator from Elite Investigations.

4. **THE REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER.**

The parties have diligently worked on discovery in this matter. The discovery period closed on February 11, 2016. On the same day discovery closed, Defense counsel produced “Elite Investigation Report and Surveillance” referencing sub rosa video footage taken of Plaintiff that was completed on March 3, 2015. Although Plaintiff’s counsel previously requested the entire video taken of Plaintiff, all written notes of the investigator, all pictures and

1 any audio obtained by the investigator on February 12, 2015, Defense counsel produced the  
2 above-mentioned "Elite Investigation Report and Surveillance," with portions of video and audio  
3 missing from same, approximately one year later on February 11, 2016. Defendant  
4 supplemented the disclosure with what appears to be the entire investigation file on February 22,  
5 2016. As such, the parties have agreed to extend the discovery deadline for the limited purpose  
6 of completing the deposition of the investigator from Elite Investigations.  
7

8 **5. THE PROPOSED SCHEDULE FOR COMPLETING THE DEPOSITION OF**  
9 **ELITE INVESTIGATIONS**

10 The parties previously stipulated to allow certain discovery to take place after the  
11 discovery deadline, which was entered by this court on February 11, 2016 (#33). In addition to  
12 the previous stipulation, the parties would like to extend the deadline for discovery to be  
13 completed to April 1, 2016, for the limited purpose of completing the deposition of the  
14 investigator from Elite Investigations who performed the sub rosa on Plaintiff. No other  
15 Discovery would be contemplated other than what has been stipulated by the parties.  
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**CURRENT TRIAL DATE:**

There is no current trial date set.

All parties to this matter have agreed to the above terms of the stipulation and the dates of the extension currently sought.

DATED this 7<sup>th</sup> day of March, 2016

DATED this 7<sup>th</sup> day of March, 2016

/s/ Jamie S. Cogburn

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
2879 St. Rose Parkway, Suite 200  
Henderson, NV 89052  
Attorneys for Plaintiff

/s/ Lawrence R. Phillips

George M. Ranalli, Esq.  
Nevada Bar No.: 5748  
Lawrence R. Phillips, Esq.  
Nevada Bar No.: 7138  
2400 West Horizon Ridge Parkway  
Henderson, NV 89052  
Attorneys for Defendant

DATED this 7<sup>th</sup> day of March, 2016

/s/ Rahul Kulkarni

Rahul Kulkarni, Esq.  
Nevada Bar No.: 10650  
300 South Fourth Street – 11<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
Attorney for Defendant

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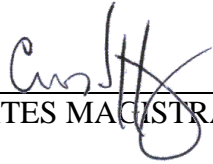
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STIPULATION AND ORDER TO  
CONTINUE DISCOVERY  
CAHILL V. KENT  
2:15-cv-00468-RFB-CWH

**ORDER**

IT IS ORDERED Plaintiff's counsel is granted leave of court to take the deposition of the investigator from Elite Investigations, who performed the sub rosa on Plaintiff.

IT IS SO ORDERED this 8 day of March, 2016.

  
UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

COGBURN LAW OFFICES

/s/ Jamie S. Cogburn

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
2879 St. Rose Parkway, Suite 200  
Henderson, NV 89052  
Attorneys for Plaintiff

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